



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to: <b>Commissioner for Patents Box CPA Washington, DC 20231</b>	Attorney Docket No.	03500.013974
	First Named Inventor	TADAHIRO OHMI ET AL.
	Examiner Name	D. Monbleau
	Group Art Unit	2874
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/425,015 filed on October 25, 1999, entitled GAS SUPPLY PATH STRUCTURE FOR A GAS LASER.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1. ☒ Enter the unentered amendment previously filed on October 21, 2002 under 37 CFR § 1.116 in the prior nonprovisional application.
2. a. ☒ A preliminary amendment is enclosed.  
b. ☐ The applicant(s) presently intend(s) to file additional papers in this case shortly. Should the Examiner take this case up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the applicant(s).
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).  
a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_  
b. ☐ The inventors to be deleted are set forth on a separate sheet attached hereto.
4. ☐ An Amendment Prior To Abandonment is enclosed, to be entered prior to entry of this CPA.
5. ☐ An Information Disclosure Statement (IDS) is enclosed.  
a. ☐ A PTO-1449 form is enclosed.  
b. ☐ Enclosed is a copy of each reference cited in the IDS.

11/19/2002 TBESHAH1 00000073 09423015

01 FC:1006  
02 FC:1202

740.00 OP  
72.00 OP



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(c) or (j))	24-20 =	4	X \$ 18.00 =	\$ 72.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	2 -3 =	0	X \$ 84.00 =	\$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			\$280.00 =	\$ 0.00
				BASIC FEE (37 CFR § 1.16(a))	\$ 740.00
				Total of above calculations =	
	Reduction by 50% for filing by small entity (Note 37 CFR §§ 1.9, 1.27, 1.28).				
	TOTAL =				\$ 812.00

6. Small entity status

- a. ☐ A small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☐ Small entity status: Applicant claims small entity status. See 37 CFR § 1.27.

8. ☒ A check in the amount of \$ 812.00 is enclosed.

9. The Commissioner is hereby authorized to credit overpayments or charge deficiencies in the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR § 1.16.
- b. ☒ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.

10. ☐ Applicant requests suspension of action under 37 CFR § 1.103(b) for three months. (Fee of \$130.00 required under 37 CFR § 1.17(i) is enclosed).

11. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A).

b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503).

12. ☒ Other Petition Under 37 C.F.R. § 1.136(a) and check for \$110.00

**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below*

13. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/>	Customer Number or Bar Code Label	<div>(Insert Customer No. or Attach bar code label here)</div>	or	<input type="checkbox"/>	New correspondence address below
NAME					
ADDRESS					
CITY	STATE	ZIP CODE			
COUNTRY	TELEPHONE	FAX			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Scott D. Malpede
SIGNATURE	
REGISTRATION NO.	32,533
DATE	November 18, 2002

03500.013974



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TADAHIRO OHMI ET AL.

Application No.: 09/425,015

Filed: October 25, 1999

For: GAS SUPPLY PATH  
STRUCTURE FOR A GAS LASER

Examiner: Davienne Monbleau

Group Art Unit: 2874

November 18, 2002

Commissioner for Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to calculating the filing fee, please amend the above-captioned application as follows.

IN THE CLAIMS

✓ Please cancel claims 41-44 without prejudice or disclaimer.

REMARKS

This Preliminary Amendment is to cancel claims 41-44, which were withdrawn from consideration by the Examiner as being directed to a non-elected invention. The claims presented for examination are 17-40, with claims 17 and 30 being

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NOV 20 2002  
TC 2800 MAIL ROOM  
17# / Preliminary Amendment  
11/21/02  
RBM